

### REMARKS

Claims 1-25, 27, 28, 48-51, 62, 68, 78, 80, 85, 86, 88, 89, 91 and 92 are pending in this application, with claims 1, 12 and 22 being independent. Claims 1, 12 and 22 have been amended to incorporate the limitations of their dependent claims 84, 87 and 90, respectively. Applicants request entry of these amendments because the amendments merely incorporate limitations of already existing dependent claims into the independent claims and, therefore, do not raise any new issues that would require further search or analysis by the Examiner. Claims 29-32, 34-47, 52-59, 84, 87, 90 and 93-98 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the canceled claims in a continuation application. No new matter has been introduced.

Independent claims 1, 12 and 22, and their dependent claims 2-25, 27, 28, 48-51, 78, 80, 85, 86, 88, 89, 91 and 92, have been rejected as being unpatentable over Sitnik (U.S. Patent No. 6,160,570) in view of Macrae (U.S. Patent Application Publication No. 2003/0208756). Dependent claims 62 and 68, which depend from claims 1 and 22, have been rejected as being unpatentable over Sitnik in view of Macrae and Albal (U.S. Patent Application Publication No. 2004/0153523).

Independent claim 1, as amended, recites an interface for sending the multiple viewer commands, received over the predetermined interval of time, for analysis, the analysis including a determination of particular television channel content being viewed by the viewer, and a determination of whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content. Claim 1 also recites an interface for receiving customized electronic program guide (EPG) data, the customized EPG data being determined based at least in part on the particular television channel content being viewed by the viewer and the particular web page content related to the particular television channel content that was accessed by the viewer when viewing the particular television channel content. The interface is an interface for sending the multiple viewer commands, received over the predetermined interval of time, for an analysis that includes a determination of whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content by:

monitoring the particular web page content viewed while the particular television channel content is viewed, and determining that the particular web page content viewed while the particular television channel content is viewed is related to the particular television channel content

Applicants request reconsideration and withdrawal of the rejection of claim 1, and its dependent claims, because neither Sitnik, Macrae, Albal nor any proper combination of the three describes or suggests the recited interface for sending multiple viewer commands for an analysis that includes a determination of whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content by: monitoring the particular web page content viewed while the particular television channel content is viewed, and determining that the particular web page content viewed while the particular television channel content is viewed is related to the particular television channel content, and the recited interface for receiving customized EPG data that was determined based at least in part on the particular television channel content and the particular web page content related to the particular television channel content that was accessed by the viewer when viewing the particular television channel content.

As apparently acknowledged by the Examiner on page 4 of the Office Action, Sitnik fails to disclose monitoring web page selections of a user and, therefore, necessarily fail to satisfy the above-cited limitations related to customizing EPG data based on a monitoring of particular web page content viewed by a viewer AND a determination that the particular web page content viewed by the viewer is related to the particular television channel content that is being concurrently viewed by the viewer. The Examiner turns to paragraphs 0305 and 0307 of Macrae as disclosing a system that detects web pages that a viewer visits during a particular television channel viewing session.

Macrae describes a system that is able to customize various aspects of an EPG through use of viewer profile information. Macrae's system includes a viewer profile analysis program that accumulates such data as the:

"number of times that the viewer: interacted with the EPG during a particular viewing session; performed particular types of interactions with the EPG; watched a particular channel; interacted with the Internet during a particular viewing session, interacted with a particular web site; watched and/or recorded and/or scheduled to watch a program with a particular type of theme ...; and

watched and/or recorded and/or scheduled to watch a program with a particular type of subject ..., or particular actor or actress." (paragraph 305, emphasis added).

Accordingly, Macrae's profile analysis program can capture the number of times that a viewer interacted with the Internet during a particular viewing session. For example, the profile analysis program may determine that the viewer interacted with the Internet ten times during a telecast of a program. Additionally, the profile analysis program can capture the number of times that the viewer interacted with a particular web site during a particular time (e.g., a day, see paragraphs 304 and 305). For example, the profile analysis program may determine that the viewer interacted with the www.ESPN.com web site twelve times during a particular day. Notably, Macrae's profile analysis program fails to monitor particular web page content viewed by a viewer AND analyze the particular web page content viewed by the viewer and the particular television content that is concurrently viewed by the viewer to thereby determine that the particular web page content viewed by the viewer is related to the particular television channel content that is being concurrently viewed by the viewer.

In particular, while Macrae's profile analysis program can indicate that a user accessed the Internet ten times during a particular television viewing session and that the user interacted with a particular web site twelve times during a particular day, Macrae's profile analysis program fails to perform the necessary web page content and television channel content comparison analysis required to determine whether the particular web page content that is viewed by a viewer is related to the particular television channel content that is being concurrently viewed by the viewer. For example, if a viewer is viewing Redskins web sites while watching a Redskins football game, Macrae's profile analysis program does not perform the necessary web page content and television channel content comparison analysis required to determine that the content of the web pages viewed by the viewer (i.e., the Redskins web page content) is, in fact, related to the content of the television channel being concurrently viewed by the viewer (i.e., the Redskins football game) in that both relate to the Redskins football team<sup>1</sup>. Rather, Macrae's profile analysis program is only able to count the number of times that the user interacted with the Internet during the Redskins football game (e.g., 3 times) and interacted with

---

<sup>1</sup> Applicants note for the Examiner that claims 86, 89, and 92 cover this specific "sports team" example.

particular web sites during that day (e.g., interacted with www.espn.com two times and interacted with www.washingtonredskins.com four times during that day). Put simply, Macrae's profile analysis fails to link the television channel content and the web page content as claimed – i.e., it fails to compare the particular web page content that is viewed by the viewer with the particular television channel content that is concurrently viewed by the viewer as is necessary to determine their relatedness in accordance with the claimed limitations. Albal fails to remedy Macrae's failure to describe or suggest the above features.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 1 and its dependent claims.

Independent claim 12, as amended, recites sending the multiple viewer commands, received over the predetermined interval of time, for analysis, the analysis including a determination of particular television channel content being viewed by the viewer, and a determination of whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content. Claim 12 further recites receiving customized EPG data based at least in part on the particular television channel content being viewed by the viewer and the particular web page content related to the particular television channel content that was accessed by the viewer when viewing the particular television channel content. The sending of the multiple viewer commands includes sending the multiple viewer commands, received over the predetermined interval of time, for an analysis that includes a determination of whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content by: monitoring the particular web page content viewed while the particular television channel content is viewed, and determining that the particular web page content viewed while the particular television channel content is viewed is related to the particular television channel content. For at least the above-noted reasons, applicants request reconsideration and withdrawal of the rejection of claim 12 and its dependent claims.

Independent claim 22, as amended, recites analyzing the multiple viewer commands to determine particular television channel content being viewed by the viewer, and determine whether the viewer accessed particular web page content related to the particular television


channel content when viewing the particular television channel content. Claim 22 further recites customizing content associated with the EPG based at least in part on the particular television channel content being viewed by the viewer and the particular web page content related to the particular television channel content that was accessed by the viewer when viewing the particular television channel content. The analyzing of the multiple viewer commands to determine whether the viewer accessed particular web page content related to the particular television channel content when viewing the particular television channel content includes: monitoring the particular web page content viewed while the particular television channel content is viewed, and determining that the particular web page content viewed while the particular television channel content is viewed is related to the particular television channel content. For at least the above-noted reasons, applicants request reconsideration and withdrawal of the rejection of claim 22 and its dependent claims.

Applicants submit that all claims are in condition for allowance.

No fee is believed to be due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 5/27/08



Roberto J. Devoto  
Reg. No. 55,108

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331